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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,507	01/27/2004	Hiroshi Mochizuki	026575-068	9258

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EXAMINER

NATNITHITHADHA, NAVIN

ART UNIT PAPER NUMBER

3735

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,507

Applicant(s)

MOCHIZUKI, HIROSHI

Examiner

Navin Natnithithadha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 11-17 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040127</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on 27 July 2001. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Election/Restrictions

2. Claims 11-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 19 May 2006.

3. Applicant's election with traverse of Group I, claims 1-10, in the reply filed on 19 May 2006 is acknowledged. The traversal is on the ground(s) that "all of the claims of this application can be examined at the same time without serious burden." *Response To Restriction Requirement*, 1-2. This is not found persuasive because Group I (1-10) and Group II (claims 11-17) are distinct inventions having unique features, e.g. Group I has an airbag containing cushions and Group II has a plurality of fasteners, that require separate considerations to determine their patentability.

The requirement is still deemed proper and is therefore made FINAL.

Claim Objections

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4. Claim 1 is objected to because of the following informalities:

The structure of the cuff apparatus is unclear. It appears the structure includes (1) an airbag, (2) a chassis, (3) a hollow cylinder, and (4) cushions. The Applicant should amend the claims to provide a more definite structure of the apparatus. In addition, such amendments should be made for claims 2-10. Appropriate correction is required.

Examiner's Comment

5. The Examiner proposes the following amendment to clearly define the structure of apparatus claim 1:

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1. A cuff apparatus for measuring blood pressures, comprising:
~~in which an airbag is provided in a chassis, in the form of a~~ including:
a hollow cylinder;
an airbag, for suppressing a flow of blood in a body part when
~~compressed air is introduced into the airbag to suppress a flow of blood in~~
~~a body part;~~ and
the airbag including: characterized in that
~~cushions are provided in the airbag so that~~ cause the airbag
to remains in an inflated state before the compressed ~~ion~~ air is
introduced into the airbag.

--

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Sano et al, US 5,511,551 A ("Sano").

Claims 1-3 and 6-10: Sano teaches a cuff apparatus (cuff, see fig. 1) for measuring blood pressures, comprising: an airbag (chamber for compressed air) 6; a chassis (cylindrical outer case) 4 in the form of a hollow cylinder; a plurality of fixed cushions (protruding bodies, see figs. 1 and 3) 12, which have uneven sides (not flat) on an inner surface and are spaced apart in a lengthwise direction of the airbag; and an elastic band-shaped member (belt) 1; wherein the ends 13 and 14 of the airbag 6 are spaced apart in a lengthwise direction and overlap each other while the airbag remains in the chassis 4 (see figs. 9-11); and an auxiliary cushion (one of the plurality of cushions, see fig. 14) is provided at least one of the ends of the airbag.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sano, as applied to claims 2 and 3 above, and further in view of over Castro et al, US 3,752,147 A ("Castro").

Claims 4 and 5: Sano does not teach attaching or providing a microphone to the airbag. However, Castro teaches means 15 for attaching or incorporating a microphone to a surface of an airbag 12 (see fig. 1 and col. 2, lines 14-19). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Sano's cuff apparatus to have a means for attaching or incorporating a microphone to a particular surface of the airbag 6 in order to detect Korotkoff sounds while measuring blood pressure, which is a common procedure during blood pressure measurement.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

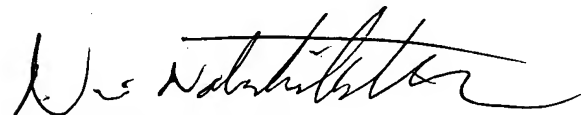
JP 2004-195056A and US 2006/0058689 A1 additionally teaches the subject matter of the Applicant's claims. The Examiner suggests reviewing these patents before responding to the present Office Action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navin Natnithithadha whose telephone number is (571) 272-4732. The examiner can normally be reached on Monday-Friday, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor, II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Navin Natnithithadha
Patent Examiner – GAU 3735
12 June 2006